

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FILED-CLERK
U.S. DISTRICT COURT
2007 MAY 31 PM 2:40
TX EASTERN-MARSHALL

**TRITON IP, LLC,
a Texas Limited Liability Corporation,
Plaintiff,**

v.

SALESFORCE.COM, INC.

Defendant.

Case No. **2 - 0 7 C V - 2 1 8**

Jury Demanded

COMPLAINT AND DEMAND FOR JURY TRIAL

For its Complaint against Defendant Salesforce.com, Inc. ("Salesforce.com") Plaintiff Triton IP, LLC ("Triton") alleges as follows.

PARTIES

1. Plaintiff Triton is a Texas Limited Liability Company with its principal place of business at 207 C North Washington Avenue, Marshall, Texas 75670.

2. On information and belief, Defendant Salesforce.com is a Delaware corporation with its corporate headquarters and principal place of business in San Francisco, California. Salesforce.com may be served via its registered agent, The Corporation Trust Company, at 1209 Orange St., Wilmington, Delaware 19801.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the patent laws of the United States, Title 35 of the United States Code.

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this State and in this District.

COUNT 1

INFRINGEMENT OF U.S. PATENT NO. 6,067,525

6. Triton is the owner by assignment of United States Patent No. 6,067,525 ("the '525 patent") entitled "Integrated Computerized Sales Force Automation System," a true copy of which is attached as Exhibit A. The '525 patent was issued on May 23, 2000.

7. Defendant has been and now is directly, literally and/or, upon information and belief, jointly, equivalently and/or indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '525 Patent in the State of Texas, in this judicial district, and elsewhere in the United States. Defendant's infringements include, among other things, making, using, offering for sale, and/or selling computer software products and services, including, without limitation, customer relationship management software products and services, enterprise resource management software products and services, partner relationship management software products and services, supplier relationship management software products and services, supply chain management software products and services, sales force automation software products and services, sales force management software products and services, financial management software products and services, human capital management software products and services, customer order management software products and services, corporate performance management software products and services, human capital management

software products and services, business analytics software products and services, sales software products and services, and marketing software products and services, that are covered by one or more claims of the '525 patent to the injury of Triton. Defendant is thus liable for infringement of the '525 patent pursuant to 35 U.S.C. § 271.

8. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, all predecessors in interest to the '525 Patent complied with such requirements.

9. As a result of the above Defendant's infringement of the '525 patent, Triton has suffered monetary damages that are compensable under 35 U.S.C. § 284 in an amount not yet determined, and will continue to suffer such monetary damages in the future unless Defendant's infringing activities are permanently enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, attorneys, representatives, affiliates, and all other acting on their behalf from infringing the '525 patent, Triton will be greatly and irreparably harmed.

11. This case presents exceptional circumstances within the meaning of 35 U.S.C. § 285 and Triton is thus entitled to an award of its reasonable attorneys' fees.

12. Upon information and belief, Defendant's infringements are willful.

PRAYER FOR RELIEF

WHEREFORE, Triton requests that this Court enter:

1. A judgment in favor of Triton that Defendant has directly, literally, jointly, equivalently and/or indirectly infringed by way of inducing infringement by others and/or contributing to the infringement by others the '525 Patent, and that such infringement was willful;

2. A permanent injunction, enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from such infringement of the '525 Patent;

3. A judgment and order requiring Defendant to pay Triton its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '525 patent as provided under 35 U.S.C. § 284;

4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Triton its reasonable attorneys' fees; and

5. Any and all other relief for which the Court may deem Triton entitled.

DEMAND FOR JURY TRIAL

Plaintiff Triton, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 31, 2007

Respectfully submitted,

TRITON IP, LLC

By: 

T. John Ward, Jr.

Lead Attorney

State Bar No. 00794818

Law Office of T. John Ward, Jr. P.C.

111 W. Tyler St.

Longview, Texas 75601

Telephone: (903) 757-6400

Facsimile: (903) 757-2323

Email: jw@jwfirm.com

Danny L. Williams--Lead Attorney

State Bar No. 21518050

J. Mike Amerson

State Bar No. 01150025

Williams, Morgan & Amerson, P.C.

10333 Richmond, Suite 1100

Houston, Texas 77042

Telephone: (713) 934-4060

Facsimile: (713) 934-7011
E-mail: danny@wma.law.com
E-mail: mike@wma.law.com

David M. Pridham
R.I. State Bar No. 6625
Intellectual Property Navigation Group, LLC
207 C North Washington Avenue
Marshall, Texas 75670
Telephone: (903) 938-7400
Facsimile: (903) 938-7404
E-mail: david@ipnav.com

Eric M. Albritton
State Bar No. 00790215
Albritton Law Firm
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397
Email: ema@emafirm.com

John J. Edmonds
State Bar No. 00789758
THE EDMONDS LAW FIRM
709 Sabine Street
Houston, Texas 77007
Telephone: (713) 858-3320
Facsimile: (832) 767-3111
Email: johnedmonds@edmondslegal.com

Kajeer Yar
State Bar No. 24025838
2431 East 61st Street, Suite 320
Tulsa, Oklahoma 74136
Telephone: (918) 292-8158
Facsimile: (918) 292-8158
E-mail: kyar@ipnav.com

**ATTORNEYS FOR PLAINTIFF
TRITON IP, LLC**